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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Aviation Safety (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

Amendment of principal EU Regulations

**CHAPTER 5**

Amendment of Regulation (EU) No 2018/1139

*SECTION 3*

*Substantive requirements – Chapter 3 of Regulation (EU) No 2018/1139*

SUB-SECTION 5 Air Traffic Management / Air Navigation Services

**Amendment of Article 40 of Regulation (EU) No 2018/1139**

**117.** In Article 40 (essential requirements), in paragraph 2, for “the Single European Sky” substitute “United Kingdom”.

**Amendment of Article 41 of Regulation (EU) No 2018/1139**

**118.**—(1) Article 41 (ATM/ANS providers) is amended as follows.

(2) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

(3) In paragraph 5—

- (a) for “the implementing acts referred to in” substitute “regulations made under”;
- (b) for “Member States” substitute “the CAA”;
- (c) omit the last sentence.

(4) In paragraph 6—

- (a) in the first subparagraph—
  - (i) in the first place it occurs, for “Member States” substitute “the CAA”;
  - (ii) in point (a), for “Member States are” substitute “the United Kingdom is”;
  - (iii) in point (b), for “Member State granting the exemption” substitute “United Kingdom”;
  - (iv) in point (d), for “Member State concerned” substitute “CAA”;
- (b) omit the second, third and fourth subparagraphs.

#### **Amendment of Article 42 of Regulation (EU) No 2018/1139**

**119.**—(1) Article 42 (organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

(2) In paragraph 1—

- (a) for “the implementing acts referred to in” substitute “regulations made under”;
- (b) in point (a), for “implementing acts” substitute “regulations”.

(3) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

#### **Amendment of Article 43 of Regulation (EU) No 2018/1139**

**120.**—(1) Article 43 (implementing acts as regards ATM/ANS providers and organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

- (a) in the first subparagraph—
  - (i) omit “the uniform implementation of and”;
  - (ii) for “Commission” substitute “Secretary of State”;
  - (iii) for “adopt implementing acts” substitute “make regulations”;
- (b) omit the second subparagraph.

(4) Omit paragraph 2.

(5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

#### **Amendment of Article 44 of Regulation (EU) No 2018/1139**

**121.**—(1) Article 44 (implementing acts as regards the use of airspace and the design of airspace structures) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

- (a) in the first subparagraph—
  - (i) omit “the uniform implementation of and”;
  - (ii) for “Commission” substitute “Secretary of State”;
  - (iii) for “adopt implementing acts” substitute “make regulations”;
- (b) omit the second subparagraph.

(4) Omit paragraph 2.

(5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

#### **Amendment of Article 45 of Regulation (EU) No 2018/1139**

**122.** In Article 45 (ATM/ANS systems and constituents), in each place the words occur, for “the delegated acts referred to in” substitute “regulations made under”.

**Amendment of Article 46 of Regulation (EU) No 2018/1139**

**123.** Article 46 (design of airspace structures) is amended as follows—

- (a) for “Member States” substitute “The CAA”;
- (b) for “the detailed rules adopted by the Commission pursuant to” substitute “regulations made by the Secretary of State under”.

**Amendment of Article 47 of Regulation (EU) No 2018/1139**

**124.** In Article 47 (delegated powers), in paragraphs 1 and 2, for the words from “Commission” to “Article 128,” substitute “the Secretary of State may make regulations”.